

The raspberry preserves contained in the assorted preserves were alleged to be adulterated in that a mixture of sugar, water, and pectin had been mixed and packed with the article so as to reduce or lower its quality; in that a mixture of fruit, sugar, water, and pectin, containing less fruit and more sugar than a preserve should contain had been substituted for preserves, which the article purported to be, and in that a mixture of sugar, water, and pectin had been mixed with the article in a manner whereby its inferiority had been concealed.

The raspberry preserves were alleged to be misbranded in that the statement on the label, "Pure Raspberry Preserves", was false and misleading and tended to deceive and mislead the purchaser as applied to an article which contained less fruit than a preserve should contain, the deficiency in fruit having been concealed by the addition of water, pectin and excess sugar, and in that it was an imitation of, and was offered for sale under the distinctive name of another article.

On July 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26319. Adulteration and misbranding of peach preserves. U. S. v. 5½ Cases of Peach Preserves. Default decree of forfeiture. Product turned over to public institution. (F. & D. no. 37516. Sample no. 55636-B.)

This case involved peach preserves that contained less fruit and more sugar than standard preserves and contained added acid.

On April 7, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five and one-half cases of peach preserves at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1934, by Preserves & Honey, Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Turkey Red Brand Pure Peach Preserves * * *. Distributed by Merchants Wholesale Grocery Co., Chicago, Ill."

The article was alleged to be adulterated in that a mixture of sugar and acid had been mixed and packed with the article so as to reduce or lower its quality; in that a mixture of fruit, sugar, and acid, containing less fruit and more sugar than a preserve had been substituted for preserves, which the article purported to be; and in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Pure Peach Preserves", was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling preserves, the deficiency in fruit having been concealed by the addition of acid and excess sugar, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On July 15, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be turned over to a public institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26320. Adulteration and misbranding of preserves. U. S. v. 8 Cartons of Alleged Damson Preserves and 10 Cartons of Alleged Apricot Preserves. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. no. 37566. Sample nos. 62926-B, 62928-B.)

This case involved preserves that contained less fruit and more sugar than standard preserves. The damson variety contained added water and the apricot variety contained added acid and pectin.

On April 9, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 18 cartons of preserves at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about January 25, 1936, by Crosse & Blackwell Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Crosse & Blackwell Pure Damson Preserves "[or Pure Apricot Preserves]" * * * Crosse & Blackwell, Baltimore, New York, London."

The articles were alleged to be adulterated in that sugar and water, in the case of the damson preserves, and sugar, acid, and pectin, in the case of the apricot preserves, had been mixed and packed with the articles so as to reduce or lower their quality or strength; in that mixtures of fruit and sugar containing less fruit and more sugar than preserves should contain, the damson preserves containing water which should have been removed by boiling and the apricot preserves containing acid and pectin, had been substituted for preserves which they purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles. They were alleged to be misbranded further in that the statements on the labels, "Pure Damson Preserves" and "Pure Apricot Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be turned over to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26321. Adulteration of canned salmon. U. S. v. 1,011 Cases and 6,039 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Portion of product released unconditionally; remainder released under bond. (F. & D. nos. 37554, 37567. Sample nos. 67032-B to 67036-B, incl., 67040-B to 67048-B, incl.)

This case involved canned salmon that was in part decomposed.

On April 6 and April 14, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,050 cases of canned salmon at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various lots between the dates of February 13 and July 19, 1935, by the New England Fish Co. from Pillar Rock, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Pillar Rock Brand Fancy Columbia River Salmon Spring Pack." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 17, 1936, the New England Fish Co., having appeared as claimant and having consented to the entry of a decree, a consolidated judgment of condemnation was entered. The court, having found that a portion of the product was not adulterated, ordered that the said portion be released unconditionally and that the remainder be released under bond conditioned that the good cans be separated from the bad cans and disposed of only in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26322. Adulteration and misbranding of olive oil. U. S. v. 84, 19, and 14 Cartons, et al., of Olive Oil. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37584. Sample nos. 65667-B, 65668-B, 65669-B, 66120-B, 66121-B, 66122-B.)

This case involved alleged olive oil that was adulterated with tea-seed oil.

On April 13, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cartons of alleged olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by L. Raduazzo, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Caldarone Brand Imported Pure Olive Oil."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-